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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JAMES BRENNER,  
Defendant.

Case No. 2:22mj439-DAO  
COMPLAINT  
COUNT 1: Felon in Possession of a  
Firearm (18 U.S.C. § 922(g)(1))  
Magistrate Judge Daphne A. Oberg

Before Daphne A. Oberg, United States Magistrate Judge for the District of Utah,  
appears the undersigned, who on oath deposes and says:

**COUNT 1**  
**18 U.S.C. § 922(g)(1)**  
**(Felon in Possession of a Firearm)**

On or about June 8, 2022, in the District of Utah,

JAMES BRENNER,

defendant herein, knowing he had been convicted of a crime punishable by a term of  
imprisonment exceeding one year, did knowingly possess a firearm, to wit: a .22 caliber  
Winchester rifle, and the firearm was in and affecting commerce; all in violation of 18  
U.S.C. § 922(g)(1).

## **AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT**

Complainant, Jeremiah W. Fowlke, being duly sworn, hereby states that this Felony Complaint is based on information obtained through an investigation consisting of the following:

### **AFFIDAVIT**

1. Your affiant is a Special Agent with the Federal Bureau of Investigation currently assigned to the Violent Crimes Task Force in the Salt Lake City field office. The information contained in this complaint is based on an investigation I conducted along with other Special Agents of the FBI and investigators from the Box Elder County Sheriff's Office (BECSO).
2. On May 30, 2022, Box Elder County dispatch received a call of a missing 19-year-old male initials D.R. He was last seen in Lucin, Utah area. On this day, D.R. contacted a relative by phone and told them that he was "putting the grain truck into shelter." The shelter for the grain truck was reported to be on a parcel of land owned by Box Elder Land and Livestock (owner initials J.C.) and is adjacent to two other parcels that are owned by S.H. and R.I. These parcels are open to each other and collectively used together.
3. The subject in this case, an adult male named James Brenner (Brenner) has no ownership in the land parcels mentioned above and is "squatting" in a trailer

located on the land. The missing 19-year-old male D.R.’s property is a 5 mile walk towards the southeast of where Brenner was currently living. Brenner and another Lucin resident, D.H., were considered “family friends” of D.R. and his family. In searching for the missing 19-year-old male, Brenner was interviewed by BECSO on June 7, 2022. D.H. was also subsequently interviewed by law enforcement.

4. On or about June 11, 2022, Box Elder County in their search for the missing 19-year-old male D.R., requested assistance from the Federal Bureau of Investigation (FBI) and the Davis County Sheriff’s office.
5. On June 16, 2022, BECSO, with the assistance of the FBI, executed a search warrant at the trailer where Brenner was living. During that search, ball ammunition, ignition caps, black powder, and speed loads, all related to “muzzle loading” were located and photographed in the trailer, but the items were not seized at this time by BECSO. There were no muzzle loader firearms located in the trailer at that time.
6. On June 20, 2022, a friend and neighbor of Brenner, D.H. was interviewed by BECSO and the FBI. During that interview, D.H. advised that after D.R. went missing, and sometime after Brenner’s initial June 7, 2022, interview with BECSO, Brenner brought three black powder guns over to D.H.’s residence and asked him to “safekeep” them. When D.H. asked “why,” Brenner stated that he needed to do this for “his own safety” and that “the last time he had trouble with the law they took everything from him, and he did not want the things he had left to be taken again.” D.H. agreed to store the muzzle loaders for him. At the time of

the interview D.H. turned over the three muzzle loaders to BECSO who booked them into evidence.

7. On June 21, 2022, D.H. was again interviewed by the FBI. During this interview, D.H. advised that Brenner had also brought him a .22 caliber rifle around the same time he had brought over the muzzle loaders. D.H. told us that he didn't mention the .22 rifle when interviewed before because he had been owed money by the rifle's original owner and that he felt that he should have a claim over the .22 rifle that Brenner asked him to store, to cover the debt. He explained to us that the rifle had been left in a trailer on the property where Brenner had been living, prior to Brenner living there, by a person who owed D.H. money. Brenner upon moving into the trailer had taken possession of it. D.H. knew that Brenner wasn't allowed to have firearms because of his criminal history. D.H. turned over to the FBI the .22 rifle and case that Brenner had personally handed to him and had asked him to store. The rifle was loaded with 5 rounds of .22 caliber ammunition.
8. The .22 caliber rifle is a Winchester Model 69, 22 S.L.ORL. On the rifle it says "Made in New Haven Conn." No serial number was located.
9. On June 21, 2022, another search warrant was conducted at the trailer where Brenner was currently living. During this warrant, BECSO seized a muzzle loader, one box of .45 lead round ball ammunition, one box of Spear .570 lead ball, one box of Federal .45 lead ball ammunition, ignition caps, 4 pounds of Hornady black powder, and speed loads and booked them into evidence.

10. On May 21, 2012, James Brenner was sentenced to 33 months in prison for a conviction of felon in possession of a firearm. Brenner also has additional felony convictions on his criminal history.

Based on the foregoing information, your affiant respectfully requests that an arrest warrant be issued for James Brenner for a violation of 18 U.S.C Section 922(g).

DATED this \_\_\_\_ day of June 2022.

JEREMIAH FOWLKE Digital signature of JEREMIAH FOWLKE  
Date: 2022.06.24 14:11:54 -06'00'

/s/ Jeremiah Fowlke  
JEREMIAH W. FOWLKE  
S.A. FBI, Violent Crimes Task Force

SUBSCRIBED AND SWORN to before me, this 29th day of June 2022.

*Daphne A. Oberg*  
HONORABLE DAPHNE A. OBERG  
United States Magistrate Judge

APPROVED AS TO FORM:

TRINA A. HIGGINS  
United States Attorney

*/s/ Kevin L. Sundwall*

KEVIN L. SUNDWALL  
Assistant United States Attorney